

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in the present application. Claims 13 and 14 are withdrawn. Claims 1, 2, 6, 8, and 10-12 are amended by the present amendment. No new matter is added.

In the outstanding Office Action, Claim 8 was rejected under 35 U.S.C. §112, first paragraph; Claim 6 were rejected under 35 U.S.C. §112, second paragraph; Claims 8-10 were objected to; Claims 1-3, 5, and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki (U.S. Patent No. 6,256,356) in view of Flammer, III et al. (U.S. Patent No. 5,515,369, hereinafter “Flammer”); Claims 4, 6, 11, and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Almgren et al. (“Adaptive Channel Allocation in TACS,” hereinafter “Almgren”); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Jamal et al. (U.S. Patent No. 6,724,813, hereinafter “Jamal”) and Pascual et al. (U.S. Patent No. 6,587,449, hereinafter “Pascual”); and Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Jamal.

Figures 1 and 2 are amended herewith to include the label “Background Art.” No new matter is added.

With regard to the rejection of Claim 8 under 35 U.S.C. §112, first paragraph, that rejection is respectfully traversed. The outstanding Office Action notes that the original specification incorrectly depicted the multiplication sign “ \times ” as “.” The previous amendment corrected this error in Claim 8, and the present amendment corrects this error in the specification. It is respectfully submitted that this correction is supported by the description in the original specification at page 6, lines 11-14. In this passage, the original specification

clearly describes a multiplication operation while utilizing the incorrect “.” symbol. “Assume now, after connected grouping, that the available values of R_1 are indexed by $j=1,...,J$ and the available values of R_2 are indexed by $s=1,...,S$. The total number of available values will be denoted $T=J.S$.” Thus, it is respectfully submitted that one of ordinary skill in the art would have understood that the “.” symbol was intended to indicate a multiplication operation. Thus, the amendments to the specification and Claim 8 to replace the “.” with the “ \cdot ” operator are supported by the original disclosure.

With respect to the “mod” command, it is further respectfully submitted that one skilled in the art would understand this to be the modulo command. The modulo command “mod” is defined as follows: $\text{mod}(a,n)$ is the remainder on division of a by n . Accordingly, Claim 8 is believed to be in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claim 6 under 35 U.S.C. §112, second paragraph, Claim 6 is amended to delete the word “substantially.” Accordingly, Claim 6 is believed to be in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the objection to Claims 8-10, Claim 8 is amended to recite “where x_0 is a word of N bits, x_0 representing a seed of the sequence, $a-1$ is a non-zero integer which is a multiple of 4, i is a sequence index, and b is an odd number.” Claim 1 is amended to recite “performs allocation at a regular interval” to provide antecedent basis for “the allocation” recited in Claim 9. Claim 10 is amended to depend from Claim 3 and to correct the spelling of the word “parameters.” Accordingly, the objection to Claims 8-10 is believed to be overcome.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer, that rejection is respectfully traversed.

Amended Claim 1 recites in part, “said fast allocation controller generates a pseudo-random sequence and performs allocation at a regular interval by selecting at least one available resource for each of a plurality of communications between the base station and the plurality of mobile terminals at a start of each regular interval according to a value of the pseudo-random sequence.”

The outstanding Office Action cites Flammer as describing generating a pseudo-random sequence and allocating by selecting at least one available resource for each communication according to a value of the pseudo-random sequence.¹ However, Flammer only describes creating a list of channels in pseudo-random order in response to an acquisition/synchronization packet.² There is no teaching or suggestion in Flammer that this packet comes at a regular interval. Thus, there is no teaching or suggestion in Flammer to perform any process at any point during a regular interval. Accordingly, it is respectfully submitted that Flammer does not teach or suggest that “said fast allocation controller generates a pseudo-random sequence and *performs allocation at a regular interval* by selecting at least one available resource for each of a plurality of communications between the base station and the plurality of mobile terminals at a start of each regular interval according to a value of the pseudo-random sequence” as recited in independent Claim 1. Further, Applicant respectfully submits that Suzuki does not teach or suggest this feature either. Consequently, Claim 1 (and Claims 2-10 dependent therefrom) is patentable over Suzuki in view of Flammer.

With regard to the rejection of Claims 4 and 6 as unpatentable over Suzuki in view of Flammer and further in view of Almgren, it is noted that Claims 4 and 6 are dependent from Claim 1, and thus are believed to be patentable for the reasons discussed above. Further, it is respectfully submitted that Almgren does not cure any of the above-noted deficiencies of

¹See the outstanding Office Action at page 7, lines 7-12.

²See Flammer, column 3, lines 46-67.

Suzuki and Flammer. Accordingly, it is respectfully submitted that Claims 4 and 6 are patentable over Suzuki in view of Flammer and further in view of Almgren.

With regard to the rejection of Claim 9 as unpatentable over Suzuki in view of Flammer and further in view of Jamal and Pascual, it is noted that Claim 9 is dependent from Claim 1, and thus is believed to be patentable for the reasons discussed above. Further, it is respectfully submitted that Jamal and Pascual do not cure any of the above-noted deficiencies of Suzuki and Flammer. Accordingly, it is respectfully submitted that Claim 9 is patentable over Suzuki in view of Flammer and further in view of Jamal and Pascual.

With regard to the rejection of Claim 10 as unpatentable over Suzuki in view of Flammer and further in view of Jamal, it is noted that Claim 10 is dependent from Claim 1, and thus is believed to be patentable for the reasons discussed above. Further, it is respectfully submitted that Jamal does not cure any of the above-noted deficiencies of Suzuki and Flammer. Accordingly, it is respectfully submitted that Claim 10 is patentable over Suzuki in view of Flammer and further in view of Jamal.

With regard to the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Almgren, that rejection is respectfully traversed.

As the outstanding Office Action relies on Flammer in the rejections of Claims 11 and 12 as describing “a fast allocation controller,”³ amended Claims 11 and 12 are believed to be patentable for at least the reasons described above with respect to Claim 1.

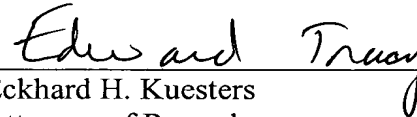
³See the outstanding Office Action at page 14, lines 5-10.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "Eckhard H. Kuesters", is written over a horizontal line.

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IN THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1 and 2. This sheet, which includes Figures 1 and 2, replaces the original sheet including Figures 1 and 2.

Attachment: 1 Replacement Sheet